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COPY MAILED

JUN 0 8 2004

In re Application of
Miller
Application No. 09/242,072
Filed: January 14, 2000
For: APPARATUS FOR LIQUID
PURIFICATION

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OFFICE OF PETITIONS
ON PETITION

This decision concerns the March 5, 2004 petition requesting revival of the above-referenced application under 37 CFR 1.137(b).

The petition is **DISMISSED**.

On March 13, 2002, a final Office action was mailed, setting forth a 3-month shortened statutory reply period. In other words, Applicant had the option of filing a proper response on or before the end of the 6-month statutory period along with the requisite extension-of-time fee.

The subsequent prosecution history pertinent to the instant petition is summarized below:

- June 7, 2002: proposed amendment (failed to place the application in condition for allowance and was not entered by the Examiner);
- August 16, 2002: proposed amendment (filed after the 3-month shortened statutory period, but was not accompanied by the 3-month extension-of-time fee, and thus was not considered by the Examiner);
- September 10, 2002: request for a 3-month extension of time for filing the August 16, 2002 proposed amendment;
- December 10, 2002: Advisory Action (advising Applicant that the August 16, 2002 proposed amendment had been considered by the Examiner, but was not entered because it did not place the application in condition for allowance).

As pointed out in the December 10, 2002 Advisory Action, the period for filing a proper response to the March 13, 2002 final Office Action, **by statute**, remained that set forth in this final Office action, i.e., 6 months from the mailing date of the final Office action. Accordingly, the application became abandoned on September 14, 2002.

The instant petition seeks to revive the application under 37 CFR 1.137(b).

A grantable petition under 37 CFR 1.137(b), in the instant case, must be accompanied by: **(1) the required reply**, e.g., a proper response to the March 13, 2002 final Office Action, the filing of a continuing application under 37 CFR 1.53(b), or the filing of a request for continued examination (RCE) under 37 CFR 1.114 along with a §1.114(c) submission and the \$385 RCE filing fee (small entity) (see attached forms), unless previously filed; **(2) the \$665 petition fee** (small entity); and **(3) a statement that the entire delay in filing the required reply from its due date until the filing of a grantable §1.137(b) petition was unintentional.**

In satisfying item(1) above, the instant petition refers to the previously filed proposed amendments which were not entered by the Examiner. The instant petition is thus dismissed for failing to meet the threshold requirement of §1.137(b)(1).

A renewed §1.137(b) petition must (see attached form; no petition fee):

- include a proper response to the March 13, 2002 final Office Action (see above);
- be filed within **TWO MONTHS** of the mailing date of this decision (extensions of time under 37 CFR 1.136(a) are available with payment of the appropriate fee(s));

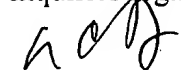
and should be addressed to:

Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Applicant is urged to contact the undersigned upon receipt of this decision for explanation of this decision, and on how to further prosecute this application. Alternatively, throughout prosecution of this application, Applicant may contact the USPTO Patent Assistance Center at 1-800-786-9199 for general questions. For substantive questions regarding the March 13, 2002 final Office Action, Applicant should contact the Examiner for assistance and/or clarification.

Finally, the petition uses a correspondence address different from that in the USPTO record for this application. All future correspondence will be mailed to the current address-of-record unless a proper request to change the correspondence address is filed (see attached form).

Inquiries regarding this petition should be directed to the undersigned at (703) 308-0763.



RC Tang
Petitions Attorney
Office of Petitions

Attachments: Blank §1.137(b) petition form PTO/SB/64
Printout of 37 CFR 1.53(b), 1.114
Change of correspondence address form